

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	P. Hamilton Clark et al.	)	Examiner:
			)	Johnna R. Loftis
Serial No.	:	09/950,087	)	
			)	Art Unit:
Cnfrm. No.	:	2257	)	3623
			)	
Filed	:	September 10, 2001	)	
			)	
For	:	ELECTRONIC PROJECT MANAGEMENT	)	
		SYSTEM USING PROJECT PHASES	)	
			)	

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REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants respectfully submit this Reply Brief in response to the Examiner's Answers, mailed on May 25, 2007, and July 23, 2007.

Before proceeding with a detailed analysis of the new points raised in the Answer and Advisory Action dated July 12, 2006, Appellants would like to point out that dependent claims 3, 5, 15 and 17 include the terms "enabling" and "the enabling," which do not have explicit antecedent basis in the independent claims 1 and 13, from which they depend. These terms in claims 3, 5, 15 and 17 should have been replaced with "advancing" and "the advancing" to conform with the change of the term "enabling" with the term "advancing" in the Amendment dated February 1, 2006, in independent claims 1 and 13. It is believed this is a minor inadvertent oversight that can be addressed by way of an Examiner's Amendment or an amendment by Appellants after decision by the Board.

### Supplemental Arguments

In the “Response to Argument” section (section (10) of the Examiner’s Answer, starting at the bottom of page 7), several newly presented points were raised and are now addressed.

On page 8, for the first time the Examiner refers to partial data structures shown in Table 1 (see, column 7), and a description in column 8, lines 38-44 of assigning an unique sequence or identification number to each goal in a template, and that the goal information is retrieved as necessary from the goal database during the processing of a WIP (work in process). The Examiner asserts, “Since each goal, reflecting criteria that must be met prior to moving to the next task, is entered, stored and later retrieved when executing a workflow (see column 9, lines 21-66), the user is accessing ‘stored exit criteria,’ or goal data, that must be accomplished prior to completion.”

In other words, it appears the Examiner now considers that during the execution of a computer program (i.e., an SWA and/or CMA) carrying out a WIP, the user causing execution would be meeting claimed features relating to identifying which of one or more stored exit criteria are applicable to at least one of the phases of the project and establishing the identified one or more exit criteria for the at least one phase. This contention is different from what is set forth in the rejections, where the Examiner had asserted that the designer identifies and establishes criteria when conceptualizing a WIP and its related goals/tasks.

However, it should first be noted that the claimed features of identifying and establishing are performed at the front end of the method of managing a project. While McAtee et al. describes a designer conceptualizing WIP goals, and establishing them into the workflow by way of entering them into a workflow template by way of an editing interface (i.e., a “Manager Utility” (M/U)) to “generate a database of workflow descriptions that includes goals, relationships among goals and characteristics associated with each goal” (see, column 6, lines 1-3), McAtee et al. includes no description whatsoever that the designer identifies which exit criteria are applicable to any particular goal from among stored exit criteria, as claimed, even if one were to assume that a WIP and its “workflow” (defined in column 1, lines 30-31 as “a path followed by a WIP”) correspond to the claimed “project,” a “goal” corresponds to the claimed “phase of the project” and other “goals” and/or “tasks” used to carry out a phase of the project correspond to “exit criteria.” Rather, McAtee et al. describes a designer who determines goals and their relations to one another by entering data

into the M/U, which creates a table called a “workflow definition database” (see, column 6, lines 7-13). In fact, McAtee et al. explicitly states:

In operation, the M/U performs in a manner analogous both to word-processing and graphical editors, the designer establishes a workflow definition, against which work is ultimately processed, and sets system parameters. The M/U allows the designer to define the manner in which WIPs are created and identified, as well as the manner in which they will be used to control the workflow operation. (Emphasis added.) (See, column 3, line 64 to column 4, line 3.)

Because the McAtee et al. system involves a designer who conceptualizes a business process and established them by entering the goals and/or tasks into fields of a Manager Utility (M/U) to create a workflow template, and the designer appears to identifying goals/tasks on the fly, McAtee et al. does not describe the identification of which of one or more stored exit criteria are applicable to at least one of the phases of the project and the establishment of the identified one or more exit criteria for the at least one phase (i.e., the identified exit criteria recited in the previous limitation), as set forth in Appellants’ independent claims. Hence, McAtee does not anticipate the pending independent claims.

Returning now to the newly made citations from McAtee et al., the Examiner now appears to consider the McAtee et al. description in columns 7-9 of executing a computer program that retrieves goals/tasks from a database by way of an identification sequence or number as for meeting the claimed features of identifying which of one or more stored exit criteria are applicable to at least on of the phases of the project. However, the Examiner is placing the cart before the horse with respect to the appealed claims because goals in McAtee et al. are established by the designer at the front end, and not during execution of the program carrying out the WIP. Moreover, the established goal/tasks in McAtee et al. were not ones identified as applicable from stored exit criteria, as claimed.

In contrast, Appellants’ independent claims recite, among other things, a feature of identifying something, and a feature of establishing that identified thing, and therefore defines a specific order in which these features are performed. More specifically, the claims recite that an identification is made as to which of one or more stored exit criteria are applicable to at least one of the phases of the project, and that the same exit criteria identified previously are established for the at least one phase. As described, for example, in paragraphs 0038-0042 spanning pages 12 to 13, recommended exit criteria for each of the project phases may have already been created and stored in memory of a project server and

activities. The identifying of the one or more exit criteria for a phase may involve selecting from these stored criteria, and establishing of the identified exit criteria may or may not involve additional processes, for example, modifying or approving the criteria.

By contrast, the McAtee et al. patent describes a designer establishing goals and tasks at the front end without identifying them from stored exit criteria, and the later processes of creating programs to carry these same established goals and tasks out cannot reasonably be considered both an identification, and thereafter, establishment of these tasks and goals. Thus, the McAtee et al. patent fails to describe these features as set forth in the appealed independent claims with respect to “identifying” and “establishing” “exit criteria.” Accordingly, McAtee et al. cannot anticipate these claims and the claims depending therefrom within the purview of Section 102.

For at least these reasons, and the reasons pointed out in Appellants’ Brief, the appealed rejections should be reversed, and such reversal is respectfully sought.

Respectfully submitted,

Date: July 25, 2007

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